IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 975 of 1998

in

SPECIAL CIVIL APPLICATIONNo 6996 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VADODARA MUNICIPAL CORPORATION

Versus

GN SHAH

Appearance:

1. LETTERS PATENT APPEAL No. 975 of 1998

MR PRANAV G DESAI for Appellant No.

MR IS SUPEHIA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and

HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 16/12/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. When this appeal was placed before us last on 09.12.2004, learned counsel Shri Desai for the appellant - Corporation had submitted that the appellant Corporation was not much worried about paying HRA to the respondent - original petitioner of his suspension period but they were mainly concerned with CLA amount to be paid to the respondent - original petitioner but he was not aware about the exact amount to be paid to the respondent - petitioner by way of CLA for the suspension period. Therefore, he requested to keep this matter on 16.12.2004 i.e. today. Mr.Desai also had stated at the bar that in the regular inquiry, the respondent - petitioner was found guilty for the charges levelled against him and reverted to the lower post which he has accepted, but he wanted to produce the details about the same.

#. Today, learned counsel Shri Desai made a categorical statement at the bar for the appellant - Corporation that the respondent - petitioner was found guilty on the conclusion of the inquiry for the charges levelled against him in the departmental inquiry and he was reverted to the lower post and he has not challenged the said proceedings before any other court. Mr.Desai further stated at the bar that he has ascertained the amount of CLA to be paid to the respondent - original petitioner which comes to hardly Rs.1,500/-. The amount of CLA is absolutely insignificant and for such an amount of Rs.1,500/-, this court would never like to exercise its jurisdiction in letters patent appeal against the judgment and order dated 02.07.1998 passed by the learned single Judge in special civil application no. 6996 of 1997. Therefore, without expressing any opinion about the legality and validity of the order dated 02.07.1998 passed by the learned single Judge in special civil application no. 6996 of 1997, this appeal is dismissed with no order as to costs.

(B.J.SHETHNA, J)

(SHARAD D DAVE, J)

srilatha